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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,998

12/03/2003

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D9359B

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10/10/2006

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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/727,998

Applicant(s)

BROWN ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 60-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 60, 68, 69 and 72 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anderson et al. (U. S. Pat. No. 3,310, 084) or Morici (U. S. Pat. No. 3,093,175).

Re claim 60 for example, note that Anderson and Morici each disclose an apparatus for washing a plurality heads of a cored vegetable, comprising:

a conveyor (73 in Morici and 32 in Morici) comprising a cored head holder (75 in Morici and 34 in Anderson);

and

a wash spray system (see col. 2, lines 34-41 in Morici and "WS" washing station in Anderson) attached along said conveyor, said wash spray system located outside the cored heads and comprising at least one wash spray nozzle positioned to deliver wash spray comprising field (ambient) temperature water to said cores on the holder from a location substantially outside the cores.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Morici or Anderson et al.

Claims 61-63 define over either Morici or Anderson only in the recitation of the holders being shaped as claimed. Nonetheless, to employ holders shaped as claimed is deemed to be a mere substitution of equivalents (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE).

5. Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Morici or Anderson et al. in view of either Christian (U. S. Pat. No. 2,322, 417) or Boehnke (U. S. Pat. No. 1,765,647).

Claim 64 defines over Morici or Anderson only in the recitation of the tank and delivery pump. The patents to Christian and Boehnke are cited disclosing the tank and pump as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Morici or Anderson, to include a tank and pump as taught by either Christian or Boehnke, for the purpose of recycling the washing fluid. Re claim 65, Christian discloses the water determiner (56, 58). Re claim 66, Morici and Anderson, Christian and Boehnke disclose the nozzle.

6. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Morici or Anderson et al. in view of either Cord et al. (U. S. Pat. No. 5,915,397) or Nolte (U. S. Pat. No. 3,056,414).

Claim 67 defines over Morici or Anderson only in the recitation of the pressures and volumes as claimed. Cord (see title) and Nolte (as at 82, 84) disclose the pressures and

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and volume as claimed. It therefore would have been obvious to one having ordinary skill in the art only to modify the system of either Morici or Anderson to include the pressure and volumes as taught by either Cord or Nolte, for the purpose of efficiently cleaning the articles.

7. Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Morici or Anderson et al. in view of either Smith (U. S. Pat. No. 3,797,744) or Roser (U. S. Pat. No. 3,297,257).

Claim 70 defines over Morici or Anderson only in the recitation of the pressurizable chamber. Smith and Roser are cited disclosing the old and well-known arrangement of employing a pressurizable chamber for controlling fluid application for cleaning. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Morici or Anderson, to employ a pressurizable chamber as taught by either Roser or Smith, for the purpose of ensuring sufficient pressure of the washing fluid during cleaning. Re claim 71, Morici and Anderson discloses the chamber.

8. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Morici or Anderson et al. in view of Bowman et al. (U. S. Pat. No. 3,297,257).  
3,297,257).

Claim 73 defines over the applied prior art only in the recitation of the timer. Bowman (col. 4, line 75) disclose the timer. It therefore would have been obvious to one having ordinary skill in the art to modify the system of either Morici or Anderson, to include a timer as taught by Bowman, for the purpose of preventing the wasteful use of washing fluid, and to control the system without active human process.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Campbell, Anderson'678, Morici'175, Castro, Casey et al., Kim, Swett, Carrie, Hirahara, Harlow, Hamm, Valerius, Jensen, and Berger et al., note the cleaning means.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746